

EXHIBIT E



National Institutes of Health
Office of Extramural Research

May 6, 2025

Dr. Alan Garber
Office of the President
Harvard University
Massachusetts Hall
Cambridge, MA 02138

Dr. Garber:

NIH is hereby providing notice that funding for the projects in the attached spreadsheet will be terminated pursuant to the National Institutes of Health ("NIH") Grants Policy Statement (GPS),¹ and 2 C.F.R. § 200.340(a)(4).

As reflected in the Notices of Award for the most recent budget period of these projects, the NIH Grants Policy Statement is incorporated as a term and condition of award. The GPS "includes the terms and conditions of NIH grants and cooperative agreements and is incorporated by reference in all NIH grant and cooperative agreement awards."² According to the GPS, "NIH may ... terminate the grant in whole or in part as outlined in 2 CFR Part 200.340."³ At the time the Notices of Award were issued for the most recent budget period, 2 C.F.R. § 200.340(a)(4) permitted termination "[b]y the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

These awards no longer effectuate agency priorities. NIH is obligated to carefully steward grant awards to ensure taxpayer dollars are used in ways that benefit the American people and improve their quality of life. Your project does not satisfy these criteria.

NIH is responsible for ensuring that its limited resources are appropriately allocated. NIH policy is that grant dollars should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry.⁴ NIH policy is also that grant dollars should only support institutions that comply with principles and laws of nondiscrimination.

¹ <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

² NIH GPS, Section 3.

³ *Id.* at Section 8.5.2.

⁴ NIH GPS, Section 4.

As relevant to NIH's policies, NIH understands that Harvard continues to engage in race discrimination including in its admissions process, and in other areas of student life, such as access to the Law Review at Harvard Law School.

NIH is also aware of recent events at Harvard University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Indeed, as the Harvard Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias concluded, actions at Harvard during the 2023-2024 academic year resulted in widespread abuse of Jewish and Israeli students by an institution "that mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias."

Supporting research in such an environment is plainly inconsistent with NIH's priorities and *raison d'être* of funding and championing the very best American research and educational institutions.

Although "NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action before NIH makes a termination decision,"⁵ no corrective action is possible here. That is because, upon being made aware of systematic institutional failures to address deeply rooted antisemitism and racial discrimination, the University has refused to take appropriate action. NIH perceives these categorical rejections to manifest the University's unwillingness to take corrective action or implement necessary reforms. Therefore, no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable.⁶ Nothing in this notice excuses either NIH or you from complying with the closeout obligations imposed by 2 C.F.R. §§ 200.344. NIH will provide any information required by the Federal Funding Accountability and Transparency Act or the Office of Management and Budget's regulations to *USAspending.gov*.⁷

⁵ NIH GPS, Section 8.5.2.

⁶ See 2 C.F.R. § 200.343.

⁷ 2 C.F.R. § 200.341(c).

Administrative Appeal

You may object and provide information and documentation challenging these terminations.

You must submit a request for such review to Director Bhattacharya no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, Dr. Bhattacharya may grant an extension of time.

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,

Michelle G. Bulls
Director, Office of Policy for Extramural Research Administration
Office of Extramural Research/Office of the Director